

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA §
§
v. § Case No. 2:14-CR-07-JRG-RSP
§
JOSE LUIS DIAZ VICENTE §

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
FINDING DEFENDANT GUILTY**

On this day, the Court considered the Findings of Fact and Recommendation of United States Magistrate Judge Roy S. Payne regarding defendant's plea of guilty to Count 1 with a violation of 8 U.S.C. § 1326 (a), criminal alien found unlawfully present in the United States after having been removed. Having conducted a proceeding in the form and manner prescribed by FED. R. CRIM P. 11, the Magistrate Judge recommends that the Court accept the defendant's guilty plea. The parties waived their right to file objections to the Findings of Fact and Recommendation. The Court is of the opinion that the Findings of Fact and Recommendation should be accepted.

It is accordingly ORDERED that the Findings of Fact and Recommendation of the United States Magistrate Judge, filed December 4, 2014, are hereby ADOPTED.

It is further ORDERED that, pursuant to defendant's plea agreement, the Court finds defendant GUILTY of Count 1 of the indictment in the above-numbered cause.

So Ordered and Signed on this

Jan 5, 2015



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE